California Environmental Protection Agency
Department of Toxic Substances Control
DRAFT

STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT SERIES A

Facility Name and Location:

Clean Harbors San Jose, LLC
Rail Spur Transfer Facility
660 Lenfest Road
San Jose, California 95133-1614

Facility Owner:

Clean Harbors San Jose LLC
1021 Berryessa Road
San Jose, California 95133

Facility Operator

Clean Harbors San Jose, LLC
1021 Berryessa Road
San Jose, California 95133

EPA ID Number: CAL 000 191 813

Effective Date:
DRAFT

Expiration Date:

Pursuant to Section 25201.6 of the California Health and Safety Code, this Series A Standardized Hazardous Waste Facility Permit, (Permit), is hereby issued to Clean Harbors San Jose, LLC, Rail Spur Transfer Facility. The issuance of this Permit is subject to the terms and conditions set forth in Attachment "A", the Standardized Permit Application dated September 15, 2004; revised March 18, 2005, September 23, 2005, and February 2007. Attachment "A" consists of 36 pages.

_____

Raymond LeClerc, P.E., Team Leader
Permit Renewal Team
Hazardous Waste Management Program

_____

Date

CLEAN HARBORS SAN JOSE, LLC
RAIL SPUR TRANSFER FACILITY
STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT, SERIES A

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DRAFT STANDARDIZED HAZARDOUS WASTE FACILITY PERMIT, SERIES "A"

CLEAN HARBORS SAN JOSE, LLC
RAIL SPUR TRANSFER FACILITY
660 LENFEST ROAD
SAN JOSE, CALIFORNIA 95133-1614
EPA ID NUMBER: CAL 000 191 813

PART I - DEFINITIONS

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, division 20, chapter 6.5 and California Code of Regulations, title 22, division 4.5, unless expressly provided otherwise by this Permit.

1. "DTSC" as used in this Permit means the California Department of Toxic Substances Control.

2. "Permittee" as used in this Permit means the Owner and Operator.

3. "Facility" as used in this Permit means all contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal or recycling operational units or combinations of these units.

   For the purpose of implementing corrective action under title 22, division 4.5 of the California Code of Regulations, hazardous waste facility includes all contiguous property under the control of the owner or operator required to implement corrective action.

4. "Hazardous waste" as used in this Permit is defined in Health and Safety Code section 25117. For the purpose of this Permit, the term "hazardous waste" includes heel in a rail tank car.

PART II - DESCRIPTION OF THE FACILITY AND OWNERSHIP

1. FACILITY OWNER:

Clean Harbors San Jose, LLC
1021 Berryessa Road
San Jose, California 95133

2. FACILITY OPERATOR:

Clean Harbors San Jose, LLC
1021 Berryessa Road
San Jose, California 95133

3. LAND OWNER:

Clean Harbors San Jose, LLC
1021 Berryessa Road
San Jose, California 95133

4. LOCATION:

Clean Harbors San Jose, LLC, Rail Spur Transfer Facility (Lenfest Facility) is located at 660 Lenfest Road, San Jose, County of Santa Clara, California, one mile east of Highway 101 and approximately 60 miles south of the City of San Francisco (see Figure 1, Site Location). It occupies a 0.56-acre parcel at latitude North 37^{o} 21' 48" and longitude West 121^{o} 52' 11". It is located in an area zoned for light industrial (L-1). Its legal description is: Parcel # 025, filed May 1, 1997, Map Book 254, Page 02, Santa Clara County Records, California, Assessor's Parcel No. 254-02-025 On the Flood Insurance Rate Map, it is in Floodplain Zone AH, an area of 100-year shallow flooding where depths are between one and three feet. The main entrance to the Lenfest Facility is from Lenfest Road on the south side of the warehouse.

5. OPERATIONS:

(a) Background

The Lenfest Facility was previously owned by Solvent Services, Inc. (SSI) from 1987 until approximately 1992 when it was purchased by United States Pollution Control Incorporated (USPCI), a division of Union Pacific Railroad. Laidlaw Environmental Services (Laidlaw) purchased the facility from USPCI in 1996. Laidlaw purchased Safety Kleen, Inc. in 1998 and

changed the name to Safety Kleen. Safety Kleen operated the facility until September 2002 when Clean Harbors purchased Safety Kleen's Chemical Services Division.

On October 28, 1987, the California Department of Health Services, Toxic Substances Control Program, the predecessor of DTSC, issued a Variance to Solvent Services Inc. for the transfer of wastes from Solvent Services Inc.'s main facility at 1021 Berryessa Road, San Jose, California to rail tank cars at 660 Lenfest Road, San Jose, California. Clean Harbors was authorized to operate the Lenfest Facility under a Consent Agreement issued by DTSC, Docket No. HWCA 20040614, effective January 3, 2005 for the transfer and storage of hazardous waste until this Standardized Hazardous Waste Facility Permit, Series A (Permit) is issued.

(b) General Description

The Lenfest Facility is a rail spur transfer facility for bulk liquid which includes both hazardous wastes and hazardous substances. The Lenfest Facility only accepts bulk liquid hazardous wastes originating from Clean Harbors San Jose, LLC, located at 1021 Berryessa Road, San Jose, California 95133 (Berryessa Facility). Both Berryessa Facility and Lenfest Facility are operated by Clean Harbors San Jose LLC, located at 1021 Berryessa Road, San Jose, California 95133. The distance between the Berryessa Facility and the Lenfest Facility is approximately one mile. The Berryessa Facility has a RCRA-Equivalent Hazardous Waste Facility Permit for treatment and storage. The Berryessa Facility provides the staff, supervision and management for the Lenfest Facility. The Berryessa Facility also provides Clean Harbors' registered hazardous waste transporters or licensed third party haulers to transport hazardous wastes in closed tanker trucks or vacuum trucks from the Berryessa Facility to the Lenfest Facility. The Lenfest Facility is only manned during waste transfer operations.

The Lenfest Facility has a Transfer and Storage Unit. There are a maximum of four rail tank cars allowed at the Facility at any given time. Hazardous waste in each rail tank car is stored at the Lenfest Facility up to ten days prior to shipment off-site to a treatment, recycling, storage or disposal facility. The Lenfest Facility is surrounded by a 6-foot chain link fence and two locked gates located in front of and beside the existing warehouse. One gate allows vehicular traffic to go onsite. The second gate controls access to the rail tank cars.

6. FACILITY SIZE AND TYPE OF FEES

The facility is categorized as a “Standardized Hazardous Waste Facility Permit, Series A pursuant to Health and Safety Code sections 25205.7(d)(D) and 25201.6(a)(1)(C) for the purpose of calculating permit activity fees and annual facility fees.

PART III - GENERAL CONDITIONS

1. PERMIT APPLICATION DOCUMENTS

(a) The Permit Application, dated September 2004, revised March 18, 2005, revised September 23, 2005, and February 2007 is hereafter referred to as the Permittee's "Standardized Permit Application." A list of all sections of the Standardized Permit Application is included as Appendix 1.

(b) All terms used in this Permit shall have the same meaning as those terms in the California Health and Safety Code, division 20 and California Code of Regulations (Cal. Code of Regs.), title 22, division 4.5, unless expressly provided otherwise by this Standardized Permit.

2. EFFECT OF PERMIT

(a) The Permittee shall comply with the provisions of the chapter 6.5 of division 20 of the California Health and Safety Code, and division 4.5 of title 22, California Code of Regulations, including regulations which become effective after the issuance of this Standardized Permit. The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies at the federal, state, and local levels, including but not limited to those required by the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the Lenfest Facility.

(b) The Permittee is authorized to transfer only bulk liquid hazardous wastes generated from the Berryessa Facility, which are specifically described in Part IV of this Permit. The Permittee is not authorized to receive hazardous wastes from any other facility or generator. Only the wastes identified in Part IV of this Permit may be handled at the Lenfest Facility. Any transfer of hazardous wastes not specifically authorized in this Permit is strictly prohibited.

(c) Compliance with the terms of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including but not limited to one brought for any imminent and substantial endangerment to human health or the environment.

(d) DTSC's issuance of this Permit does not prevent DTSC from adopting or

amending regulations that impose additional or more stringent requirements than those existing at the time this Permit was issued and does not prevent the enforcement of these requirements against the Permittee.

(e) Failure to comply with any terms or conditions set forth in the Permit in the time or manner specified herein will subject the Permittee to possible enforcement action, including but not limited to penalties pursuant to Health and Safety Code section 25187.

(f) Failure to submit any information required in connection with this Permit, or falsification and/or misrepresentation of any submitted information, is grounds for termination of this Permit (Cal. Code of Regs., title 22, section 66270.43).

(g) This Permit includes and incorporates by reference any waste discharge requirements issued by the State Water Resources Board or any of the California Regional Water Quality Control Board and any conditions imposed pursuant to section 13277 of the Water Code.

3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

DTSC has prepared a Negative Declaration and De Minimis Impact Finding in accordance with the requirements of Public Resources Code section 21000, et seq. and the CEQA Guidelines, California Code of Regulations, title 14, section 15070 et seq.

PART IV. PERMITTED UNIT AND ACTIVITIES

This Permit authorizes operation only of the facility unit and activities listed below. The Permittee shall not treat, store or otherwise manage hazardous waste in any unit other than those specified in Part IV. Any modifications to a unit or activity authorized by this Permit require the written approval of DTSC in accordance with the permit modification procedures set forth in California Code of Regulations. title 22, division 4.5.

UNIT NAME:

Transfer and Storage Unit

LOCATION:

This Unit is located on the northeast side of the Lenfest Facility near the existing warehouse.

ACTIVITY TYPE:

Transfer and storage of hazardous waste

ACTIVITY DESCRIPTION:

There are four rail tank cars stationed on the rail spur. There is a rail track pan underneath each rail tank car. The rail track pans for two of the rail tank cars are connected by a collection header or drain pipe to an open sump. Hazardous waste is pumped from a tanker truck or vacuum truck parked on the concrete pad into one of the two rail tank cars that have their rail track pans connected to the open sump. The other two rail tank cars that are not connected to the open sump do not receive any hazardous waste from the tanker truck or vacuum truck until the rail tank cars move up on the rail spur to the area where their rail track pans can be and are connected to the open sump. The Permittee has up to ten days to conduct transfer operations and store hazardous waste in the rail tank cars prior to shipment to various treatment, storage, recycling or disposal facilities throughout the country:

PHYSICAL DESCRIPTION:

The Unit includes (1) approximately 295 feet of rail spur located along the facility boundary; (2) a steel reinforced 8-inch thick concrete pad which measures 65 feet by 12 feet bounded by a 3-inch roll-over curb; (3) a 27,000-gallon open sump and rail track pans for spill containment; and (4) a pump and pipes made of reinforced hose, with mechanical, leak-proof couplings for all connections. The open sump is set into the ground lower than the rail track pans. The open sump is approximately 7.4 feet below ground surface and measures 64 feet long by 24 feet wide. The open sump is lined

with a 60-mil high density polyethylene (HDPE) liner with anchor trench to hold the liner in place.The Unit is 33 feet from the existing warehouse. (See Figure 1, Site Location; Figure 2, Site Diagram; and Figure 3, Site Map.)

Bulk liquid hazardous waste is transferred from the following types of tanker trucks or vacuum trucks into the following types of rail tank cars for shipment to various treatment, storage, recycling or disposal facilities throughout the country:

Tanker Trucks or Vacuum Trucks: Tanker trucks or vvacuum trucks vary in capacity from 2,000 gallons to 6,500 gallons. A typical tanker truck or vacuum truck is approximately 40 feet long and 6 feet in diameter.

Rail Tank Cars: Rail tank cars vary in capacity from 18,000 gallons to 25,000 gallons. On average, a rail tank car is 59 feet long and 9 feet in diameter.

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MAXIMUM STORAGE CAPACITY:

56,500 gallons at any given time, including two outgoing rail tank cars (25,000 gallons each), two incoming rail tank cars that have not received any hazardous waste at the Lenfes Facility and one anker/vacuum truck with a maximum capacity of 6,500 gallons.

WASTE TYPE, WASTE CODE AND HAZARDOUS CONSTITUENT:

1. Waste Stream A: Oily Water

   Typical sources of wastes include water contaminated with used motor oil, transmission fluid, gear oils, cutting oils, used industrial lubricating oils generated by automotive industry and other commercial and industrial oil users.

   U.S. EPA Waste Code: Refer to Table 1
   California Waste Code: Refer to Table 2

   Hazardous Constituent:

   Volatile and semi-volatile organic and inorganic constituents listed in California Code of Regulations, title 22, section 66261.24 and Health and Safety Code section 25250.1

2. Waste Stream B: Lean Water

   Typical sources of wastes include low heat content aqueous solution of halogenated and non-halogenated organic solvents and oils contaminated with heavy metals generated by laboratory and/or industry solvent and oil users,

industrial manufacturing, chemical manufacturing, etc.

U.S. EPA Waste Code: Refer to Table 1
California Waste Code: Refer to Table 2

Hazardous Constituent:

Volatile and semi-volatile organic and inorganic constituents listed in California Code of Regulations, title 22, sections 66261.21 and 66261.24.

3. Waste Stream C: Fuels

Typical sources of wastes include high heat content mixture of halogenated and non-halogenated solvents and oils contaminated with heavy metals generated by laboratory and/or industry solvent and oil users.

U.S. EPA Waste Code: Refer to Table 1
California Waste Code: Refer to Table 2

Hazardous Constituent and Maximum Concentration:

Volatile and semi-volatile organic and inorganic constituents listed in California Code of Regulations, title 22, sections 66261.21 and 66261.24.

4. Waste Stream D: Aqueous Solution

Typical sources of wastes include aqueous solution contaminated with heavy metals and low level of organics generated as by-product of wastewater treatment operations.

U.S. EPA Waste Code: Refer to Table 1
California Waste Code: Refer to Table 2

Hazardous Constituent:

Volatile and semi-volatile organic and inorganic constituents listed in California Code of Regulations, title 22, section 66261.24

5. Waste Stream E: Recyclable Liquids

Typical sources of wastes include used oils, antifreeze, spent solvents and other liquids generated by the automotive industry and other commercial and industrial oil users.

U.S. EPA Waste Code: Refer to Table 1
California Waste Code: Refer to Table 2

Hazardous Constituent and Maximum Concentration:

Volatile and semi-volatile organic and inorganic constituents listed in California Code of Regulations, title 22, section 66261.24, and Health and Safety Code section 25250.1

UNIT-SPECIFIC CONDITIONS:

1. The Permittee shall not have more than four rail tank cars stationed in the Unit at any given time.

2. The Permittee shall only transfer hazardous waste from a tanker truck or a vacuum truck parked on the concrete pad into one of the two rail tank cars that have rail track pans connected by a collection header or drain pipe to the open sump.

3. The two rail tank cars that do not have their rail track pans connected to the open sump may only hold residual heel in the Unit.

4. The Permittee shall not transfer hazardous waste into any rail tank car unless the rail track pan underneath that rail tank car is connected by a collection header or drain pipe to the open sump.

5. The Permittee shall ensure that the rail track pans underneath the two rail tank cars that are not connected to the open sump have sufficient capacity to contain any leak or spill from the rail tank cars.

6. The Permittee shall not store hazardous waste longer than ten days in the Unit.

PART V – SPECIAL CONDITIONS APPLICABLE TO THE ENTIRE FACILITY

1. The Permittee shall complete the construction and installation of the following structure or equipment within 180 days from the date of receiving the Site Development Permit from the City of San Jose, the Permit to Operate the "vapor balance system" from Bay Area Air Quality Management District, or the effective date of this Permit, whichever is later, unless the Permittee obtains an extension from DTSC for good cause. Within 30 days of completing the installation, the Permittee shall submit to DTSC a certification from an independent, qualified professional engineer, registered in California, stating that the following structure or equipment has been installed in accordance with the design specified in the Permittee's "Standardized Permit Application":

   (a) the concrete pad at the Transfer and Ten-Day Storage Unit located 33 feet from the warehouse;

   (b) the four track pan systems at the rail spur;

   (c) the 27,000-gallon spill containment sump; and

   (d) the "vapor balance system"

2. The Permittee is prohibited from any hazardous waste management activity not specifically described in this Permit. Any modifications to the permitted unit or activities require the written request and written approval of DTSC in accordance with the permit modification procedures set forth in the California Code of Regulations, title 22, sections 66270.41, 66270.42 and 66270.42.5. Hazardous waste shall not be land-disposed at the Lenfest Facility, whether temporarily or permanently.

3. The Permittee shall receive, transfer and store bulk liquid hazardous waste originating only from its Berryessa Facility to rail tank cars stationed at the Lenfest Facility. The Permittee shall not receive, transfer, or store any hazardous waste from the Berryessa Facility other than the waste streams specified in Part IV of this Permit.

4. The Permittee shall not receive, transfer, store or otherwise manage hazardous at the Lenfest Facility other than in the Transfer and Ten-Day Storage Unit.

5. The Permittee shall place into a rail tank car only those hazardous wastes that are compatible with one another, compatible with any residual heel that is already in the rail tank car, and compatible with the lining materials of that rail tank car. The Permittee shall use a properly placarded rail tank car to transfer each of the waste streams specified in Part IV of this Permit.

6. The Permittee shall use rail tank cars that meet the requirements of the U.S. Department of Transportation (DOT) as specified in 49 CFR Part 179 - Specifications for Rail Tank Cars. The Permittee shall use rail tank cars made of materials that are compatible with the hazardous waste to be transferred.

7. The Permittee shall maintain an Operating Record for all hazardous waste activities at the Lenfest Facility in accordance with the requirements of California Code of Regulations, title 22, section 66264.73. The original Operating Record shall be maintained at the Berryessa Facility, separate from the records of the Berryessa Facility's operation.

8. The Permittee shall conduct a pre-fill and post-fill inspection on each rail tank car. The Permittee shall inspect the rail tank car's cover and closure devices, and the spill containment system, among other things, to ensure that the rail tank car or containment system has no sign of any damage, leakage, tears, deterioration or presence of any hazardous waste. The Permittee shall conduct weekly inspection at the Lenfest Facility when there is no filling operation. The Permittee shall not handle the rail tank car holding hazardous waste in a manner that may rupture the rail tank car or cause it to leak. The Permittee shall record the findings of the inspections in the Lenfest Facility's Operating Record.

9. If the integrity of any rail tank car or associated piping or valve appears to be compromised, the Permittee shall initiate the logistics of removing the hazardous waste from the defective rail tank car no later than 24 hours after detection and shall complete the removal within 10 days, unless the Permittee obtains an extension of time from DTSC for good cause.

10. During hazardous waste transfer operations, a drip pan shall be placed under the tanker truck or vacuum truck side of the hose decoupling point to contain releases when the hose is disconnected from a tanker truck or vacuum truck or from a rail tank car. The Permittee shall manage any liquid from the drip pan as hazardous waste.

11. The Permittee shall have at least two persons to conduct each hazardous waste transfer operation at the Lenfest Facility, and at least one of them shall be the Permittee's employee properly trained in the transfer operation and the Lenfest Facility's contingency plan and emergency procedures. If the second person is not an employee of the Permittee, the second person shall be a hazardous materials driver meeting all the DOT requirements; the Permittee's employee shall review transfer operation, contingency plan and emergency procedures with this second person prior to conducting the transfer operation. The Permittee shall keep a log of such non-employee personnel used in the transfer operations and shall update the non-employee with any changes in Lenfest Facility's

operation and transfer procedures.

12. The Permittee shall not have more than four rail tank cars that hold or designated to hold hazardous waste at the Lenfest Facility at any given time. The Permittee shall not conduct hazardous waste transfer operations with more than one tanker truck or vacuum truck at the Lenfest Facility at any given time. The maximum total volume of hazardous waste at the Lenfest Facility at any given time shall not exceed 56,500 gallons. Any non-hazardous waste located at the Lenfest Facility shall be included in the volume calculation. Any rail tank car heel that exceeds the quantity allowed for the definition of an empty bulk container pursuant to California Code of Regulations, title 22, section 66261.7(p)(1) shall also be included in the volume calculation.

13. The Permittee shall not hold hazardous waste in any rail tank car at the Lenfest Facility longer than ten days from the date the rail tank car arrives at the Lenfest Facility.

14. If the Permittee, beyond its control, cannot move out of the Lenfest Facility any rail tank car within ten days and needs to hold any hazardous waste in the rail tank car more than ten days at the Lenfest Facility, the Permittee shall notify DTSC verbally within 24 hours, and in writing as soon as possible, but no later than three days, upon learning the situation, to explain why the rail tank car can not be moved out of the Lenfest Facility within 10 days. The Permittee shall submit to DTSC proof of efforts made to ensure timely shipment and inform DTSC of the targeted shipping date. As determined by DTSC, the Permittee may be required to obtain a Resource Conservation and Recovery Act (RCRA)-Equivalent Permit if such situation occurs frequently.

15. The Permittee shall not store hazardous waste in any tanker truck or vacuum truck at the Lenfest Facility more than 24 hours from the time the tanker truck or vacuum tank arrives at the Lenfest Facility. The Permittee shall complete hazardous waste transfer operation within 24 hours from the time a tanker truck or vacuum truck arrives at the Lenfest Facility.

16. The Permittee shall maintain the cover and secure the closure devices for the rail tank car in the closed position except during the hazardous waste transfer operations.

17. If cracks or gaps are observed at the spill containment area, the Permittee shall repair, replace or restore the containment's impervious quality within one week of discovering the problem. The Permittee may obtain an extension of time from DTSC for good cause. The Permittee shall immediately record the information regarding any cracks, gaps, repair, replacement or restoration activities in the

Lenfest Facility's Operating Record.

18. The Permittee shall remove any spilled or leaked hazardous waste and accumulated precipitation in the open sump in a timely manner to prevent overflow of the collection system. Any liquid accumulated in the open sump and spill containment shall be removed within ten days from the date of accumulation and analyzed for the hazardous characteristics and managed accordingly.

19. The Permittee shall maintain adequate lighting and security, including monitoring devices, at the Lenfest Facility to ensure that its hazardous waste transfer operations are conducted safely and in compliance with all applicable laws and regulations.

20. The Permittee shall prevent unauthorized or unknowing entry of persons or livestock onto the Lenfest Facility in compliance with the California Code of Regulations, title 22, section 66264.14.

21. The Permittee shall maintain operating logs for the rail tank cars to include, at the minimum, the following information:

    (a) Documentation of each incoming rail tank car, including the rail tank car's identification number, the date when each rail tank car arrives at the Lenfest Facility, the estimated quantity of heel in the rail tank car upon arrival, the name and signature of the person documenting the estimated quantity of heel, the date when such estimate is made.

    (b) Documentation of each load of hazardous waste transferred into each rail tank car at the Lenfest Facility, including the manifest document number(s), waste quantity, and waste type.

    (c) Documentation of each outgoing rail rank car, including the date when the rail tank car leaves the Lenfest Facility, the manifest document number(s) for the shipment, the name and signature of the person documenting this information, and the date of that person's signature.

    The operating logs shall include cross-references to specific manifests for the hazardous waste transferred from the Berryessa Facility to the Lenfest Facility. The operating logs shall be maintained in the manner consistent with the "Operating Log" attached hereto as Appendix 2. The Permittee shall complete the operating logs at the conclusion of each transfer activity. The Permittee shall include the operating logs in the Lenfest Facility's Operating Record.

22. The following plans required for this Permit pursuant to Health and Safety Code section 25201.6(c)(4) shall be certified in accordance with California Code of

Regulations, title 22, section 66270.11(d), approved by DTSC and maintained at the Berryessa Facility at all times until Facility closure is completed:

(a) Contingency Plan and Emergency Preparedness.
(b) Facility Management Practices (Cal. Code Regs., tit 22, §66270.14(b)(8)).
(c) Facility Siting Information.
(d) Inspection Plan.
(e) "Land Ban" Compliance.
(f) Manifesting.
(g) Personnel Training.
(h) Reporting.
(i) Security Plan.

The Permittee shall make the documents listed above available to local, state and federal agencies upon request, and shall recertify any of the documents listed above if changes are made to the document and shall submit the new certifications to DTSC within 30 days after any changes are made.

23. Any falsification on any of the above certifications or any other information submitted to DTSC in connection with this Permit constitutes a false statement under Health and Safety Code section 25189.2 and this Permit may be revoked and other authorized enforcement action may be taken at the sole discretion of DTSC.

24. The Permittee shall comply with all applicable manifest system, record keeping, and reporting requirements as a hazardous waste facility in accordance with California Code of Regulations, title 22, division 4.5, Chapter 14, article 5. For hazardous wastes transported by tanker trucks or vacuum trucks from the Berryessa Facility to the Lenfest Facility, the Permittee shall identify the Berryessa Facility (EPA ID No. CAD 059 494 310) as the generator on the Uniform Hazardous Waste Manifest (Manifest) and shall identify the Lenfest Facility as the designated facility. For hazardous wastes transported by rail tank cars from the Lenfest Facility to any authorized designated facility, the Permittee shall identify the Lenfest Facility (EPA ID No. CAL 000 191 813) as the generator on the Manifest.

25. The Permittee shall comply with the DTSC-approved waste analysis plan and any subsequent DTSC-approved amendments to that plan prepared by Clean Harbors San Jose, LLC for the Berryessa Facility.

26. The Permittee shall comply with all applicable financial assurance requirements for liability and closure in accordance with California Code of Regulations, title 22, section 67800.5. Within 60 days of the effective date of the Permit, the Permittee shall establish and put in place the financial assurance mechanism in

the amount of $250,692.53, as approved by DTSC pursuant to California Code of Regulations, title 22, section 66264.143.

27. All notifications, submittals and correspondence shall be sent to the following office:

Branch Chief
Standardized Permitting and Corrective Action Branch
Department of Toxic Substances Control
700 Heinz Avenue, Suite 300
Berkeley, California 94710-2721

In addition, the Permittee shall send the notifications and submittals required in Condition No. 22 of Part V to the following office:

Branch Chief
Northern California Branch
Statewide Compliance Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

PART VI - CORRECTIVE ACTION

1. Based on the Phase I Environmental Site Assessment prepared for Clean Harbors San Jose Rail Transfer Facility dated August 24, 2004, DTSC has determined that hazardous waste or hazardous waste constituents may have been released from the Lenfest Facility. Therefore, the Permittee shall take soil samples to assess whether any release of hazardous waste has occurred:

   (a) Within 90 days from the effective date of the Permit, the Permittee shall submit, for DTSC's approval, a soil sampling plan for release assessment at the Lenfest Facility.

   (b) Within 60 days from the approval of the soil sampling plan, the Permittee shall complete soil sampling according to a DTSC-approved soil sampling plan.

   (c) Within 45 days from the completion of the soil sampling, the Permittee shall submit to DTSC a report showing the results of analysis of the soil samples taken to determine if further corrective action is required.

2. DTSC may require the Permittee to conduct further corrective action at the Lenfest Facility pursuant to Health and Safety Code sections 25187 and 25200.10, if DTSC determines that there is a release of hazardous waste at or from the Lenfest Facility based on the latest results of analysis of soil samples or other information available to DTSC. If further corrective action is required, the Permittee shall conduct it under a Corrective Action Consent Agreement or an Enforcement Order for Corrective Action issued by DTSC pursuant to Health and Safety Code section 25187.

3. In the event that the Permittee identifies an immediate or potential threat to human health and/or the environment, or discovers new releases of hazardous waste and/or hazardous waste constituents, or discovers new Solid Waste Management Units (SWMUs) not previously identified, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within 10 days of such discovery, summarizing the findings, including the immediacy and magnitude of any potential threat to human health and/or the environment.

4. DTSC may require the Permittee to investigate, mitigate and/or take other applicable action to address any immediate or potential threats to human health and/or the environment, or to address any identified releases of hazardous waste and/or hazardous constituents.

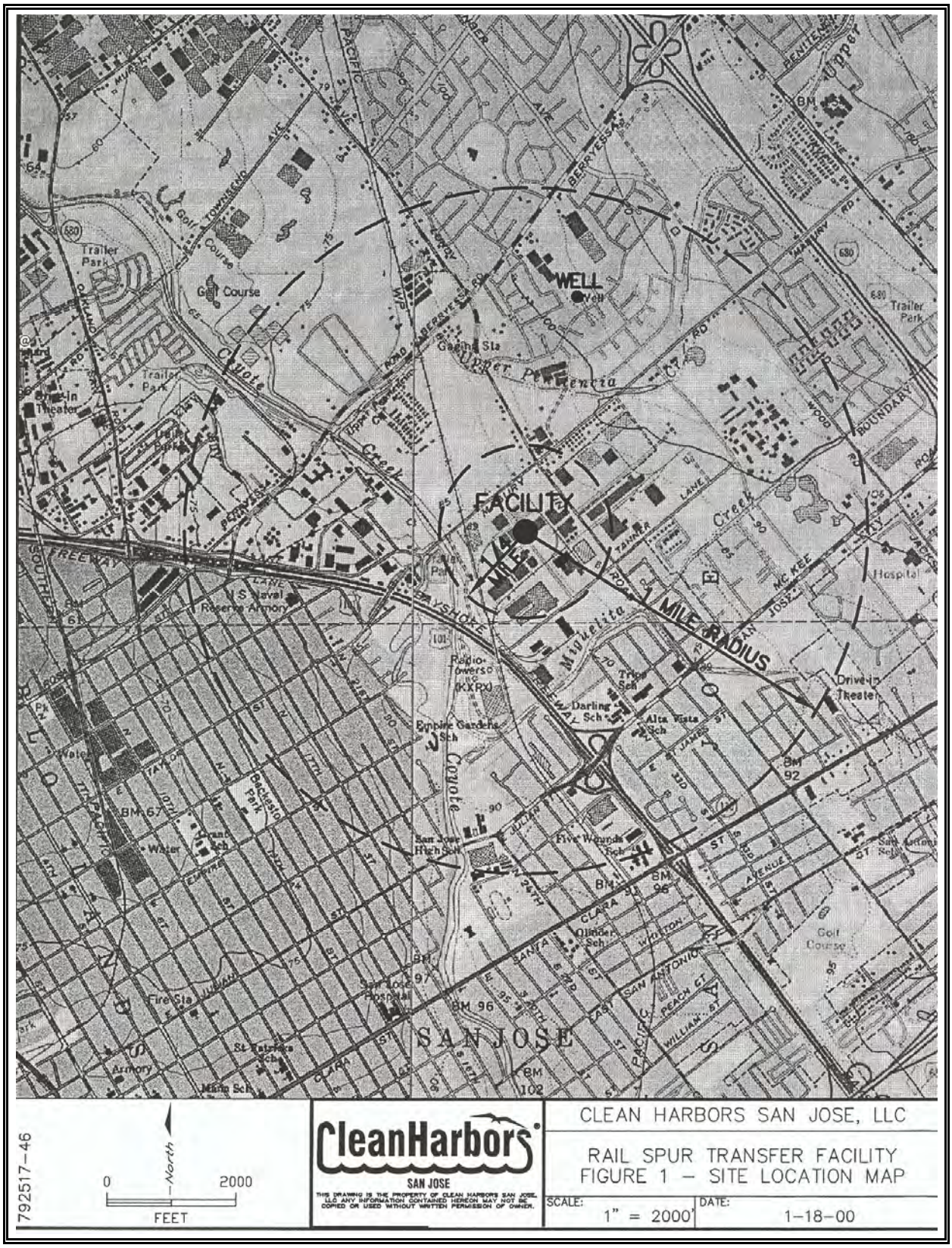

Figure 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, Site Location

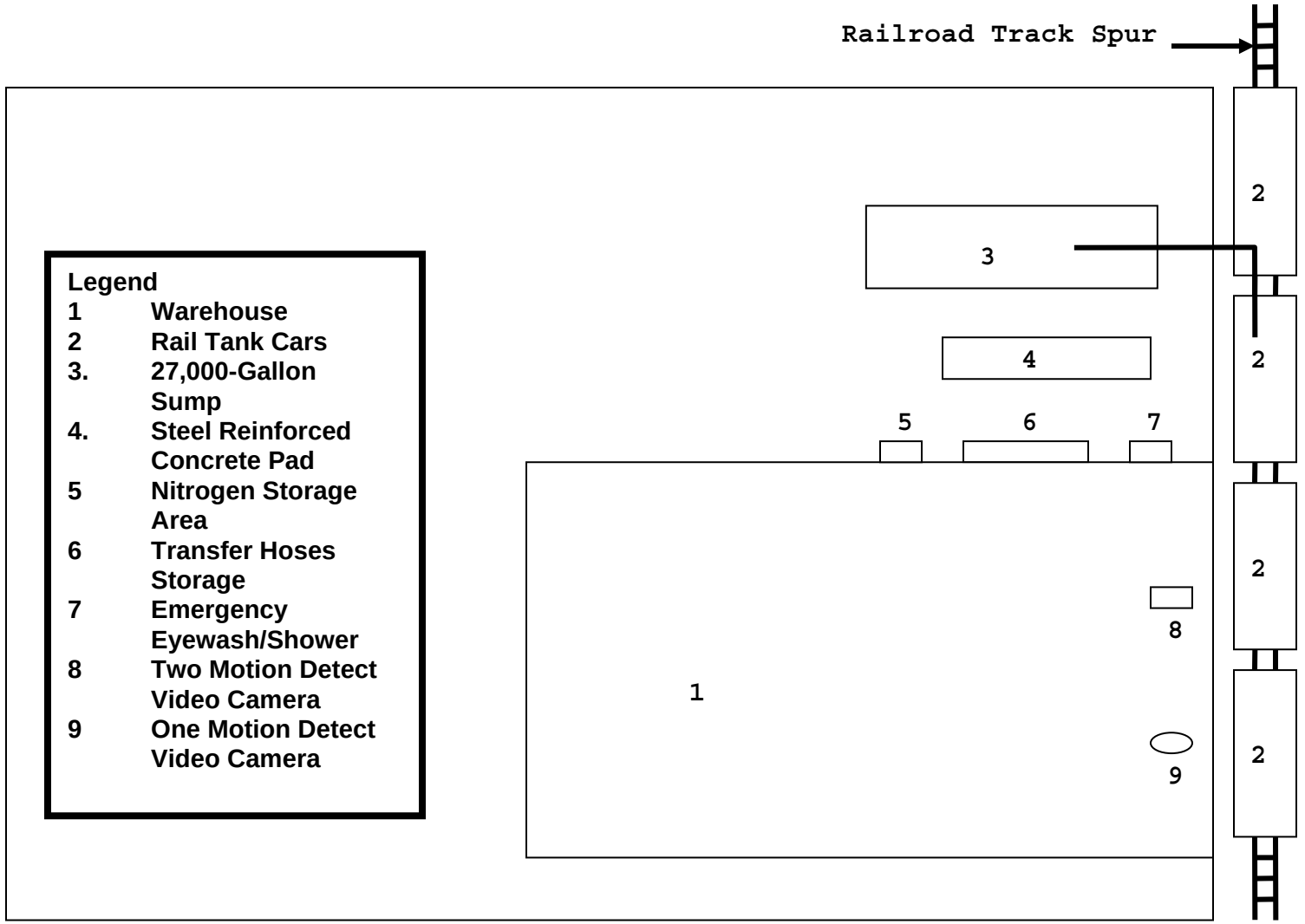

Figure 2. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility Site Diagram

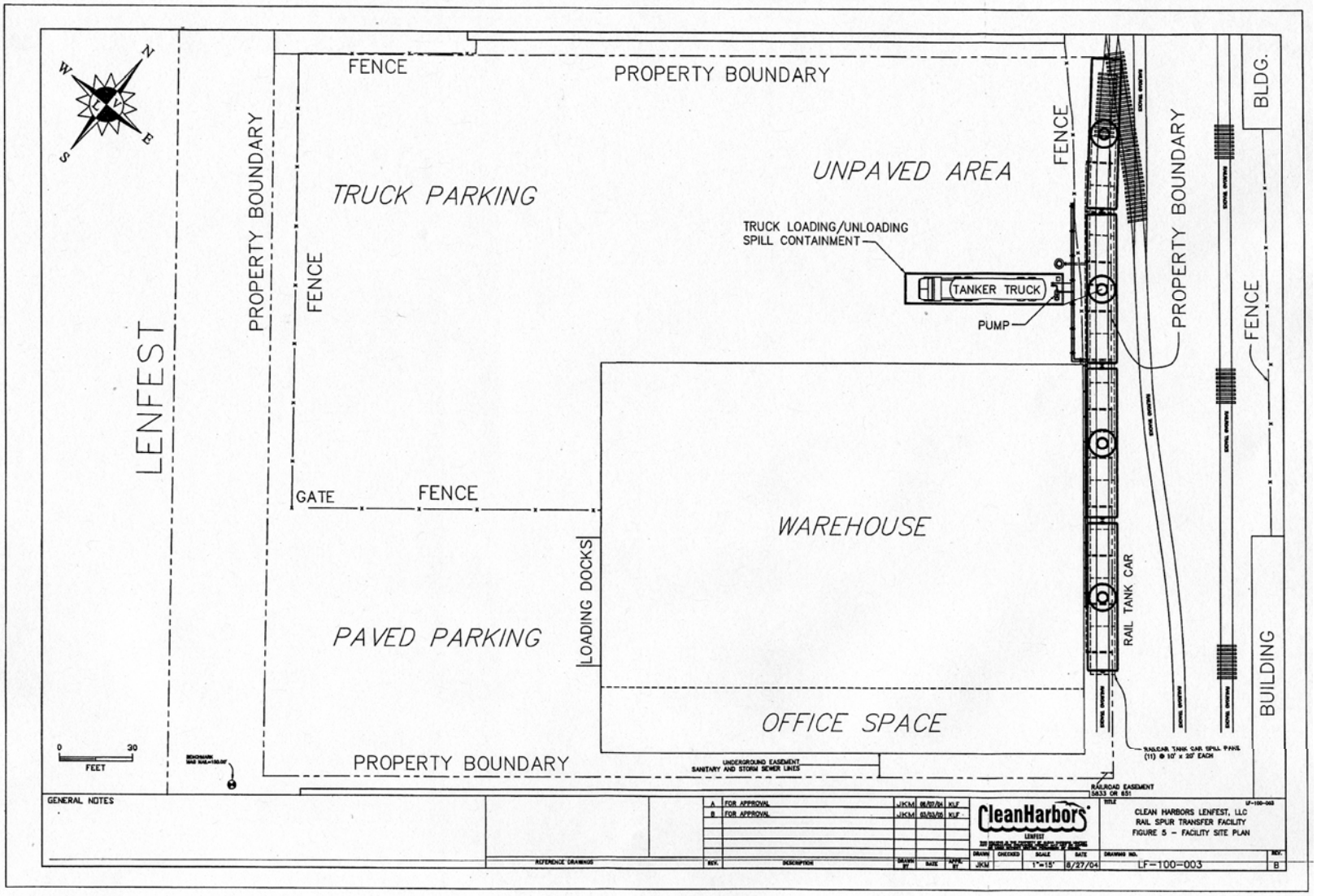

Figure 3. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, Site Map

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste					
RCRA Waste Code	Waste Stream				
	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
D001	none	x	x	x	x
D002				x	x
D003					x
D004		x	x	x	x
D005		x	x	x	x
D006		x	x	x	x
D007		x	x	x	x
D008		x	x	x	x
D009		x	x	x	x
D010		x	x	x	x
D011		x	x	x	x
D012		x	x	x	x
D013		x	x	x	x
D014		x	x	x	x
D015		x	x	x	x
D016		x	x	x	x
D017		x	x	x	x
D018		x	x	x	x
D019		x	x	x	x
D020		x	x	x	x
D021		x	x	x	x
D022		x	x	x	x
D023		x	x	x	x
D024		x	x	x	x
D025		x	x	x	x
D026		x	x	x	x
D027		x	x	x	x
D028		x	x	x	x
D029		x	x	x	x
D030		x	x	x	x
D031		x	x	x	x
D032		x	x	x	x
D033		x	x	x	x
D034		x	x	x	x
D035		x	x	x	x
D036		x	x	x	x
D037		x	x	x	x
D038		x	x	x	x
D039		x	x	x	x
D040		x	x	x	x
D041		x	x	x	x

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
	Waste Stream				
RCRA Waste Code	**A Oily Water**	**B Lean Water**	**C Fuels**	**D Aqueous Solutions**	**E Recyclable Liquids**
D042		x	x	x	x
D043		x	x	x	x
F001		x	x	x	x
F002		x	x	x	x
F003		x	x	x	x
F004		x	x	x	x
F005		x	x	x	x
F006		x	x	x	
F007		x	x	x	
F008		x	x	x	
F009		x	x	x	
F010		x	x	x	
F011		x	x	x	
F012		x	x	x	
F019		x	x	x	
F037		x	x	x	
F038		x	x	x	
F039		x	x	x	
K001		x	x	x	
K002		x	x	x	
K003		x	x	x	
K004		x	x	x	
K005		x	x	x	
K006		x	x	x	
K007		x	x	x	
K008		x	x	x	
K009		x	x	x	
K010		x	x	x	
K011		x	x	x	
K013		x	x	x	
K014		x	x	x	
K015		x	x	x	
K016		x	x	x	
K017		x	x	x	
K018		x	x	x	
K019		x	x	x	
K020		x	x	x	
K021		x	x	x	
K022		x	x	x	
K023		x	x	x	

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
RCRA Waste Code	Waste Stream				
	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
K024		x	x	x	
K025		x	x	x	
K026		x	x	x	
K027		x	x	x	
K028		x	x	x	
K029		x	x	x	
K030		x	x	x	
K031		x	x	x	
K032		x	x	x	
K033		x	x	x	
K034		x	x	x	
K035		x	x	x	
K036		x	x	x	
K037		x	x	x	
K038		x	x	x	
K039		x	x	x	
K040		x	x	x	
K041		x	x	x	
K042		x	x	x	
K043		x	x	x	
K044		x	x	x	
K045		x	x	x	
K046		x	x	x	
K047		x	x	x	
K048		x	x	x	
K049		x	x	x	
K050		x	x	x	
K051		x	x	x	
K052		x	x	x	
K060		x	x	x	
K061		x	x	x	
K062		x	x	x	
K064		x	x	x	
K065		x	x	x	
K066		x	x	x	
K069		x	x	x	
K071		x	x	x	
K073		x	x	x	
K083		x	x	x	
K084		x	x	x	
K085		x	x	x	
K086		x	x	x	

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
	Waste Stream				
RCRA Waste Code	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
K087		x	x	x	
K088		x	x	x	
K090		x	x	x	
K091		x	x	x	
K093		x	x	x	
K094		x	x	x	
K095		x	x	x	
K096		x	x	x	
K097		x	x	x	
K098		x	x	x	
K099		x	x	x	
K100		x	x	x	
K101		x	x	x	
K102		x	x	x	
K103		x	x	x	
K104		x	x	x	
K105		x	x	x	
K106		x	x	x	
K107		x	x	x	
K108		x	x	x	
K109		x	x	x	
K110		x	x	x	
K111		x	x	x	
K112		x	x	x	
K113		x	x	x	
K114		x	x	x	
K115		x	x	x	
K116		x	x	x	
K117		x	x	x	
K118		x	x	x	
K123		x	x	x	
K124		x	x	x	
K125		x	x	x	
K126		x	x	x	
K131		x	x	x	
K132		x	x	x	
K136		x	x	x	
K140		x	x	x	
K141		x	x	x	
K142		x	x	x	
K143		x	x	x	
K144		x	x	x	

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
	Waste Stream				
RCRA Waste Code	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
K145		x	x	x	
K147		x	x	x	
K148		x	x	x	
K149		x	x	x	
K150		x	x	x	
K151		x	x	x	
K156		x	x	x	
K157		x	x	x	
K158		x	x	x	
K159		x	x	x	
K161		x	x	x	
K169		x	x	x	
K170		x	x	x	
K171		x	x	x	
K172		x	x	x	
K174		x	x	x	
K175		x	x	x	
K176		x	x	x	
K177		x	x	x	
K178		x	x	x	
U001		x	x	x	
U002		x	x	x	x
U003		x	x	x	
U004		x	x	x	
U005		x	x	x	
U006		x	x	x	
U007		x	x	x	
U008		x	x	x	
U009		x	x	x	
U010		x	x	x	
U011		x	x	x	
U012		x	x	x	
U014		x	x	x	
U015		x	x	x	
U016		x	x	x	
U017		x	x	x	
U018		x	x	x	
U019		x	x	x	
U020		x	x	x	
U021		x	x	x	
U023		x	x	x	

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
	Waste Stream				
RCRA Waste Code	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
U024		x	x	x	
U025		x	x	x	
U026		x	x	x	
U027		x	x	x	
U028		x	x	x	
U029		x	x	x	
U030		x	x	x	
U031		x	x	x	x
U032		x	x	x	
U033		x	x	x	
U034		x	x	x	
U035		x	x	x	
U036		x	x	x	
U037		x	x	x	x
U038		x	x	x	
U039		x	x	x	
U041		x	x	x	
U042		x	x	x	
U043		x	x	x	
U044		x	x	x	
U045		x	x	x	
U046		x	x	x	
U047		x	x	x	
U048		x	x	x	
U049		x	x	x	
U050		x	x	x	
U051		x	x	x	
U052		x	x	x	
U053		x	x	x	
U055		x	x	x	
U056		x	x	x	x
U057		x	x	x	
U058		x	x	x	
U059		x	x	x	
U060		x	x	x	
U061		x	x	x	
U062		x	x	x	
U063		x	x	x	
U064		x	x	x	
U066		x	x	x	
U067		x	x	x	
U068		x	x	x	

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
RCRA Waste Code	Waste Stream				
	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
U069		x	x	x	
U070		x	x	x	x
U071		x	x	x	x
U072		x	x	x	x
U073		x	x	x	
U074		x	x	x	
U075		x	x	x	x
U076		x	x	x	
U077		x	x	x	x
U078		x	x	x	x
U079		x	x	x	x
U080		x	x	x	x
U081		x	x	x	
U082		x	x	x	
U083		x	x	x	
U084		x	x	x	
U085		x	x	x	
U086		x	x	x	
U087		x	x	x	
U088		x	x	x	
U089		x	x	x	
U090		x	x	x	
U091		x	x	x	
U092		x	x	x	
U093		x	x	x	
U094		x	x	x	
U095		x	x	x	
U096		x	x	x	
U097		x	x	x	
U098		x	x	x	
U099		x	x	x	
U101		x	x	x	x
U102		x	x	x	
U103		x	x	x	
U105		x	x	x	
U106		x	x	x	
U107		x	x	x	
U108		x	x	x	x
U109		x	x	x	
U110		x	x	x	
U111		x	x	x	
U112		x	x	x	x

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
RCRA Waste Code	Waste Stream				
	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
U113		x	x	x	
U114		x	x	x	
U115		x	x	x	
U116		x	x	x	
U117		x	x	x	
U118		x	x	x	
U119		x	x	x	
U120		x	x	x	
U121		x	x	x	x
U122		x	x	x	
U123		x	x	x	
U124		x	x	x	
U125		x	x	x	
U126		x	x	x	
U127		x	x	x	x
U128		x	x	x	
U129		x	x	x	
U130		x	x	x	
U131		x	x	x	
U132		x	x	x	
U133		x	x	x	
U134		x	x	x	
U135		x	x	x	
U136		x	x	x	
U137		x	x	x	
U138		x	x	x	
U140		x	x	x	
U141		x	x	x	
U142		x	x	x	
U143		x	x	x	
U144		x	x	x	
U145		x	x	x	
U146		x	x	x	
U147		x	x	x	
U148		x	x	x	
U149		x	x	x	
U150		x	x	x	
U151		x	x	x	
U152		x	x	x	
U153		x	x	x	
U154		x	x	x	
U155		x	x	x	

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
RCRA Waste Code	Waste Stream				
	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
U156		x	x	x	
U157		x	x	x	
U158		x	x	x	
U159		x	x	x	x
U160		x	x	x	
U161		x	x	x	x
U162		x	x	x	
U163		x	x	x	
U164		x	x	x	
U165		x	x	x	x
U166		x	x	x	
U167		x	x	x	
U168		x	x	x	
U169		x	x	x	
U170		x	x	x	
U171		x	x	x	
U172		x	x	x	
U173		x	x	x	
U174		x	x	x	
U176		x	x	x	
U177		x	x	x	
U178		x	x	x	
U179		x	x	x	
U180		x	x	x	
U181		x	x	x	
U182		x	x	x	
U183		x	x	x	x
U184		x	x	x	
U185		x	x	x	
U186		x	x	x	
U187		x	x	x	
U188		x	x	x	
U189		x	x	x	
U190		x	x	x	
U191		x	x	x	
U192		x	x	x	
U193		x	x	x	
U194		x	x	x	
U196		x	x	x	x
U197		x	x	x	
U200		x	x	x	
U201		x	x	x	

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
RCRA Waste Code	Waste Stream				
	A Oily Water	B Lean Water	C Fuels	D Aqueous Solutions	E Recyclable Liquids
U202		x	x	x	
U203		x	x	x	
U204		x	x	x	
U205		x	x	x	
U206		x	x	x	
U207		x	x	x	x
U208		x	x	x	x
U209		x	x	x	x
U210		x	x	x	x
U211		x	x	x	x
U213		x	x	x	x
U214		x	x	x	
U215		x	x	x	
U216		x	x	x	
U217		x	x	x	
U218		x	x	x	
U219		x	x	x	
U220		x	x	x	x
U221		x	x	x	
U222		x	x	x	
U223		x	x	x	
U225		x	x	x	
U226		x	x	x	x
U227		x	x	x	x
U228		x	x	x	x
U234		x	x	x	
U235		x	x	x	
U236		x	x	x	
U237		x	x	x	
U238		x	x	x	
U239		x	x	x	x
U240		x	x	x	
U243		x	x	x	
U244		x	x	x	
U246		x	x	x	
U247		x	x	x	
U248		x	x	x	
U249		x	x	x	
U271		x	x	x	
U278		x	x	x	
U279		x	x		
U280		x	x	x	

Table 1. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, RCRA Waste (continuation)					
RCRA Waste Code	**Waste Stream**				
	A Oily Water	**B Lean Water**	**C Fuels**	**D Aqueous Solutions**	**E Recyclable Liquids**
U328		x	x	x	
U353		x	x	x	
U359		x	x	x	x
U364		x	x	x	
U367		x	x	x	
U372		x	x	x	
U373		x	x	x	
U387		x	x	x	
U389		x	x	x	
U394		x	x	x	
U395		x	x	x	
U404		x	x	x	
U408		x	x	x	
U409		x	x		
U410		x	x		
U411		x	x	x	

Table 2. Clean Harbors San Jose, LLC. Rail Spur Transfer Facility, California Waste					
California Waste Code	Waste Stream				
	A Oily Water	B Lean Water	B Fuels	D Aqueous Solutions	E Recyclable Liquids
121		x	x	x	
122		x	x	x	
123	x	x	x	x	
131		x	x	x	
132		x	x	x	
133	x	x	x	x	
134	x	x	x	x	
135	x	x	x	x	x
141		x	x	x	
161		x	x	x	
162		x	x	x	
171		x	x	x	
211		x	x	x	
212		x	x	x	
213		x	x	x	
214		x	x	x	
221	x	x	x	x	x
222	x	x	x	x	
223	x	x	x	x	
231			x	x	
241		x	x	x	
251		x	x	x	
252		x	x	x	
261	x	x	x		
271			x	x	
272		x	x	x	
281		x	x	x	
291		x	x	x	
311		x			
331	x	x	x	x	x
341	x	x	x	x	x
342	x	x	x	x	x
343	x	x	x	x	x
431			x	x	
441			x	x	
451			x	x	
461		x	x	x	
471			x	x	
481			x	x	
491			x	x	
521			x	x	
541		x	x	x	

Table 2. Clean Harbors San Jose, LLC. Rail Spur Transfer Facility, California Waste (continuation)					
California Waste Code	Waste Stream				
	A Oily Water	B Lean Water	B Fuels	D Aqueous Solutions	E Recyclable Liquids
551			x	x	
561	x		x	x	
611			x	x	
612	x	x	x	x	
721		x	x	x	
722		x	x	x	
723		x	x	x	
724		x	x	x	
725		x	x	x	
726		x	x	x	
727		x	x	x	
728		x	x	x	
731		x			
741	x	x	x	x	
751		x			
791		x	x	x	
792		x	x	x	

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Appendix 1. Clean Harbors San Jose LLC, Rail Spur Transfer Facility, Table of Contents, Standardized Permit Application, Dated March 18, 2005, Revised September 23, 2005, June 23, 2006 and July 12, 2006

Table of Contents (Continued)

FIGURES

APPENDICES

Appendix 1. Clean Harbors San Jose LLC, Rail Spur Transfer Facility, Table of Contents, Standardized Permit Application, (Continuation)

CleanHarbors®
ENVIRONMENTAL SERVICES, INC.

LENFEST TRANSFER OPERATIN LOG
Clean Harbors San Jose, LLC
Rail Spur Transfer Facility
660 Lenfest Road
EPA ID No. CAL000191813

RAIL CAR ARRIVAL INFORMATION

Rail Car No.: _____ Date Car Arrived at Lenfest: _____ Heel Manifest No.: _____

Estimated Heel Volume: _____ Estimated by _____ (PRINT NAME) _____ (SIGNATURE) Date: _____

RAIL CAR LOADING INFORMATION

Incoming Manifest No. from Berryessa	Waste Quantity (gallons)	Waste Type	Date Transferred	Operator (Print Name)	Operator Signature	Date

Total Volume: _____

RAIL CAR DEPARTURE INFORMATION

Railroad notified to pick-up Rail Car: _____ (Date)

Rail Car Departed Lenfest on: _____ (Date) Destination: _____ (TSDF) Manifest No.: _____ (For manifest from Lenfest to TSDF)

Documented by: _____ (Print Name) _____ (Signature) Date: _____ Time: _____

Appendix 2. Clean Harbors San Jose, LLC, Rail Spur Transfer Facility, Operating Log